

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

JUSTIN HUMPHREY,  
  
Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING MOTION FOR  
EARLY TERMINATION OF  
SUPERVISED RELEASE

Case No. 2:03-CR-324 TS

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This matter is before the Court on Defendant's Motion for Early Termination of Supervised Release. Because Defendant is proceeding pro se, the Court reviews his filing liberally.<sup>1</sup>

I. BACKGROUND

On August 7, 2003, Defendant pleaded guilty to Possession of a Firearm and Ammunition by a Convicted Felon, in violation of 18 U.S.C. §922(g)(1). Defendant was sentenced to 30 months custody followed by 36 months supervised release. Defendant

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<sup>1</sup>*Haines v. Kerner*, 404 U.S. 519, 520-21 (1972).

was released from the custody of the Bureau of Prisons in March 2007, and began his 36-month term of supervised release. Defendant's term of supervised release is scheduled to terminate on July 12, 2010. Defendant previously requested early termination and his request because he had pending charges that were not yet resolved.<sup>2</sup>

## II. DISCUSSION

If a defendant has completed at least one year of supervised release, 18 U.S.C. § 3583(e) permits the Court to terminate the term of supervised release prior to completion of the entire term if the Court is satisfied that such action is 1) warranted by the conduct of an offender and 2) is in the interest of justice.<sup>3</sup> In making this determination the Court must consider many of the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.<sup>4</sup>

The government was notified of the Motion, has had a reasonable opportunity to object, and has filed no objection.

The Court has reviewed the docket and case file and has consulted with Defendant's supervising probation officer. The Court finds as follows: On May 18, 2009, the Court modified Defendant's conditions of supervision to impose additional conditions because Defendant committed another state or local offense namely, driving under the

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<sup>2</sup>Docket No. 27, 2009, at 2.

<sup>3</sup>18 U.S.C. § 3583(e)(1).

<sup>4</sup>*Id.* at § 3583(e) (directing that the court consider factors set forth in § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)).

influence of alcohol.<sup>5</sup> While Defendant's efforts since those events have been commendable, the Court finds that early termination of Defendant's term of supervised release is not warranted by the conduct of the offender and in the interest of justice at this time.


### III. CONCLUSION AND ORDER

Based upon the above, it is hereby

ORDERED that Defendant's Motion for Early Termination of Supervised Release (Docket No. 29) is DENIED.

DATED May 11, 2010.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>5</sup>*Id.*